

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORPORAL B. KURT PRICE, et al.,	:	
	:	
Plaintiffs,	:	
	:	C.A. No. 04-956-GMS
v.	:	
	:	
COLONEL L. AARON CHAFFINCH, et al.,	:	
	:	
Defendants.	:	

SERGEANT CHRISTOPHER FORAKER,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 04-1207-GMS
v.	:	
	:	
COLONEL L. AARON CHAFFINCH, et al.,	:	
	:	
Defendants.	:	

**MOTION OF THE DEFENDANTS
TO BAR CERTAIN COMMUNICATIONS OF COUNSEL OR,
IN THE ALTERNATIVE, TO DISQUALIFY COUNSEL**

Defendants Colonel L. Aaron Chaffinch, former Superintendent of the Delaware State Police, Colonel Thomas F. MacLeish, the current Superintendent, David B. Mitchell, Secretary of Safety and Homeland Security, and the Division of State Police, Department of Safety and Homeland Security, State of Delaware move this Court for an Order precluding Thomas S. Neuberger and Stephen J. Neuberger from representing Capt. Ralph Davis and barring any additional ex parte communications between the Neubergeres and Capt. Davis. Alternatively, Defendants seek an Order disqualifying the Neubergeres from representation of Plaintiffs B. Kurt Price, Wayne Warren, and Christopher Foraker.

In support of their Motion, Defendants incorporate herein by reference the Opening Brief in Support of the Motion of the Defendants to Bar Certain Communications of Counsel or, in the Alternative, to Disqualify Counsel, which is being filed separately herewith.

Respectfully submitted,

Date: October 14, 2005

/s/ Noel C. Burnham

Noel C. Burnham (DE Bar No. 3483)
Richard M. Donaldson (DE Bar No. 4367)
Montgomery, McCracken, Walker & Rhoads, LLP
300 Delaware Avenue, Suite 750
Wilmington, DE 19801
Telephone: (302) 504-7840
Facsimile: (302) 504-7820

Edward T. Ellis
Robert J. Fitzgerald
Montgomery, McCracken,
Walker & Rhoads, LLP
123 South Broad Street
Philadelphia, PA 19109
(215) 772-1500

*Counsel for the Defendants L. Aaron Chaffinch,
Thomas F. MacLeish, David B. Mitchell, and
Division of State Police, Department of Safety and
Homeland Security, State of Delaware*